

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**IN RE JOHNSON & JOHNSON  
TALCUM POWDER PRODUCTS  
MARKETING, SALES PRACTICES,  
AND PRODUCTS LIABILITY  
LITIGATION**

**BRENDA PROST,**

**Plaintiff,**

**v.**

**JOHNSON & JOHNSON and JOHNSON &  
JOHNSON CONSUMER, INC.,**

**Defendants.**

**MDL NO. 16-2738 (FLW)  
(LHG) JUDGE MICHAEL  
SHIPP**

**COMPLAINT AND JURY DEMAND**

Civil Action No.: 3:17-cv-12753

**DIRECT FILED ACTION**

**SUGGESTION OF DEATH AND UNOPPOSED MOTION TO SUBSTITUTE PROPER  
PARTY**

Pursuant to Federal Rule of Civil Procedure 25(a), Plaintiff files this Suggestion of Death and Motion to Substitute Proper Party and respectfully submits as follows:

1. This is a product liability action brought by Plaintiff Brenda Prost (“Decedent”). Prior to her death, Decedent alleged that she was diagnosed with ovarian cancer as a result of her exposure to Johnson & Johnson (“J&J”) talcum baby powder products manufactured and marketed by Defendant Johnson & Johnson (“J&J”) consisting of talc mined and processed by Imerys (“Imerys”).
2. On December 7, 2017, Decedent filed her Original Complaint and Jury Demand against Defendants in the United States District Court District of New Jersey alleging strict product liability, negligence, breach of warranty and fraud.

3. Plaintiff died on February 27, 2021. On March 28, 2023, Jo Beth Petrowske was appointed as Executor of the Estate of Brenda K. Prost by the Twenty-Fourth Judicial Circuit, Randolph County, Illinois.
4. Fed. R. Civ. P. 25(a) provides that “[i]f a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by...the decedent’s successor or representative.” Brenda Prost’s claim was not extinguished at her death and her action survives to and in favor of her heirs. 755 ILCS 5/27-6. Accordingly, Plaintiff hereby moves that Jo Beth Petrowske, as Executor of the Estate of Brenda Kay Prost, should be substituted as the proper party for the Decedent on behalf of her estate and all wrongful death beneficiaries.

#### **CONCLUSION & PRAYER**

For all of the foregoing reasons, Plaintiff requests that the Court substitute Jo Beth Petrowske, as Executor of the Estate of Brenda Kay Prost, as Plaintiff in this case and for such other relief as to which she may be justly entitled.

Respectfully submitted,

/s/ Eric D. Pearson

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***COUNSEL FOR PLAINTIFF***

**CERTIFICATE OF SERVICE**

A copy of the foregoing was served on all counsel via the Court's ECF system on August 29, 2023.

/s/ Eric D. Pearson  
Eric D. Pearson

**CERTIFICATE OF CONFERENCE**

This is to certify that counsel for Plaintiff conferred with counsel for Defendants regarding all matters set forth in this Motion on August 24, 2023 and that counsel for Defendants are unopposed to the relief requested herein.

/s/ Eric D. Pearson  
Eric D. Pearson